

Application No. 10/767,184
Amendment dated February 6, 2007
Reply to Office Action of September 8, 2006

REMARKS

Pursuant to the above-noted Office Action, certain of the claims were objected to as containing informalities. In addition, claims 1-18 and 21-24 were rejected under 35 U.S.C. §103(a) given Hsu et al. (U.S. Patent No. 6,014,410) (“Hsu”) in view of Saito et al. (U.S. Patent No. 6,980,672) (“Saito”). Claims 25-32, 35-45, 49, 52, 54, and 55 were rejected under 35 U.S.C. §103(a) given Hsu in view of Kawan et al. (U.S. Patent No. 7,039,812) (“Kawan”) and Saito. Claims 33, 34, and 53 were rejected under 35 U.S.C. §103(a) given Hsu in view of Kawan and Saito and further in view of O’Connor et al. (U.S. Patent No. 6,938,159) (“O’Connor”). Claims 46-48, 50, and 51 were rejected under 35 U.S.C. §103(a) given Hsu in view of Kawan and Saito and further in view of Pertunnen et al. (U.S. Patent No. 6,891,467) (“Pertunnen”). Claims 19 and 20 were rejected under 35 U.S.C. §103(a) given Hsu in view of Saito and further in view of Kawan. The applicant respectfully traverses these objections and rejections and respectfully requests reconsideration.

Objections to the Claims

Claim 7 and 8 were objected to as being redundant. Claim 7, however, refers to a “wireless” link while claim 8 differs in that it refers to a “wireline” link. The applicant therefore respectfully submits that claims 7 and 8 are different, are not redundant, and that no correction is required.

Claim 24 was objected to as containing the limitation, “the automatic image recognizer comprises a non-visible light automatic image recognizer.” The Examiner avers that such a recitation is not described in the specification. Pursuant to this amendment, the applicant has modified paragraph 0023 to make specific reference to a non-visible light automatic image recognizer. This reference is well supported by the surrounding text and by the inclusion of claim 24 in the application as originally filed which, of course, comprises a part of the original specification as well. Accordingly, this amendment introduces no new matter. The applicant respectfully submits that claim 24 now finds direct support in the specification.

Claim 52 was objected to for containing an extraneous “a.” This error has been corrected by this amendment.

The applicant thanks the Examiner for noting these informalities and for providing the applicant with an opportunity to make corresponding corrections.

Rejections under 35 U.S.C. §103(a)

Claim 1

Claim 1 has been rejected as comprising an obvious combination of Hsu with Saito. Claim 1, however, provides specifically for “an *automatic* image recognizer.” The image recognizer of Hsu (presuming for the sake of argument that Hsu’s fingerprint sensor comprises such a mechanism) does not comprise an “automatic” mechanism. As taught by Hsu, his fingerprint sensor serves in cooperation with a user interface comprising a manual switch that controls this functionality.^a

As the Examiner’s rejection, as expressed on page 3 of the Office Action, specifically relies upon a finding that Hsu discloses an “automatic” image recognizer, and as Hsu in fact makes no such disclosure, the applicant respectfully submits that the Examiner’s position lacks a prima facie basis for this rejection. The applicant therefore respectfully submits that the rejection of claim 1 in this regard is without merit.

Claim 25

Independent claim 25 has been rejected under 35 U.S.C. §103(a) given Hsu in view of Kawan and Saito. This claim provides specifically for providing information that corresponds to at least one predetermined image standard “regarding a position of a moveable object with respect to a moveable barrier operator.” This claim then further specifies providing information corresponding to a substantially current image and then determining whether at least some of the information in the latter matches information in the predetermined image standard by at least a predetermined threshold to provide a matched detected signal.

The Examiner argues, at page 8 of the Office Action, that Hsu discloses “providing such information as corresponds to a predetermined image standard regarding a position of a moveable object with respect to a moveable barrier operator.” This, however, comprises an

^a See, for example, Hsu at column 2, lines 8-11, column 3, lines 11-13, and column 4, lines 40-44.

inaccurate representation of Hsu. Hsu's fingerprint sensor only provides information regarding the asperity information contained in a person's fingerprint and provides no information whatsoever regarding a position of that finger with respect to a moveable barrier operator. In particular, Hsu's apparatus will operate the same regardless of where that fingerprint's sensor is located and hence regardless of the position of the finger being examined with respect to any other object other than the fingerprint sensor itself.

Accordingly, the applicant respectfully submits that Hsu does not provide an adequate basis for the obviousness rejection being proposed.

Claims 2-24 and 26-55

Remaining claims 2-24 and 26-55 are ultimately dependent upon one of the two independent claims discussed above. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various of the dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration.

Claims 56-110


The applicant also notes at least one other significant difference between the prior art references being relied upon by the Examiner and the applicant's own teachings. In particular, while the primary references being relied upon by the Examiner are concerned with biometric-based identification, the applicant's own teachings, at least when viewed somewhat more specifically, are directed more towards the identification of non-biological objects and entities such as automobiles and houses. Accordingly, the applicant presents new claims 56-110 which essentially comprise duplicates of claims 1-55 but wherein these claims specifically bring forth this particular distinction. For example, in independent claim 56, the automatic image recognizer now comprises an "automatic *non-biological* image recognizer." That is, the image comprises an image of a non-biological construct and hence cannot correspond to a biometric-based approach as taught and suggested by the primary prior art references of record. Accordingly, the

Application No. 10/767,184
Amendment dated February 6, 2007
Reply to Office Action of September 8, 2006

applicant respectfully submits that claims 56-110 are readily distinguished from these references and may be passed to allowance on this basis as well.

There being no other objections to or rejections of the claims, the applicant respectfully submits that claims 1-110 may be passed to allowance.

Respectfully submitted,

By: 
Steven G. Parmelee
Registration No. 28,790

Date: February 6, 2007

FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007